

Amendment No. 1 to SB0308

Harper
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 308*

House Bill No. 2063

by deleting the language "department of aging and disability" wherever it appears in the bill and by substituting instead the language "department of aging".

AND FURTHER AMEND by deleting the language "commissioner of aging and disabilities" wherever it appears in the bill and by substituting instead the language "commissioner of aging".

AND FURTHER AMEND by deleting 4-3-2702 in SECTION 2 of the bill in its entirety and by redesignating "4-3-2703" as "4-3-2702".

AND FURTHER AMEND by redesignating the second "SECTION 3" of the bill as "SECTION 4" and by renumbering the subsequent sections accordingly.

AND FURTHER AMEND by deleting subdivision (a)(2) from 71-2-104 in the first SECTION 3 of the bill in its entirety and by renumbering the subsequent subdivisions accordingly.

AND FURTHER AMEND by deleting subdivision (b)(4) from 71-2-105 in the first SECTION 3 of the bill in its entirety and by renumbering the subsequent subdivisions accordingly.

AND FURTHER AMEND by adding the following new language immediately preceding SECTION 17 of the bill and by renumbering the subsequent SECTION accordingly:

SECTION 17.

(a) There is hereby created an advisory council that shall advise the commissioner of the department of aging on projects, programs, services and state and federal funds designated for, and relating to, older persons in this state.

(b) The advisory council shall consist of twenty-five (25) members, who shall be persons who provide leadership in programs for the elderly in the state, twenty-three (23) of whom shall be appointed by the governor in accordance with the provisions of this part. Representatives may come from such diverse areas as housing, recreation,

employment, medicine, nursing, social service, business, adult education, long-term care, religion, research and advocacy. It is desirable that the council membership reflect the geographic diversity of the state, and include minorities and women at least in proportion to their presence in the state's population and that at least one-half (1/2) of the membership be representative of the population served. Staff members of programs funded wholly or in part by the department of aging shall be ineligible to serve as council members.

(c) Members of the Tennessee commission on aging, as it exists on June 30, 2007, shall serve as members of the advisory council until the terms to which they were appointed to the commission expire or they resign. Thereafter, the following appointment method shall apply.

(d)

(1) Members of the council shall be appointed as follows:

(A) One (1) person shall be appointed from the rural area of each of the nine (9) planning and service areas in consultation with each of the nine (9) advisory councils to the nine (9) area agencies on aging. Such persons may be appointed from two (2) persons nominated by each of such advisory councils. Nothing shall preclude members of such advisory councils from being appointed as members of the advisory council to the commissioner of the department of aging;

(B) Five (5) additional persons shall be appointed, one (1) from each of the five (5) urban areas of Shelby, Davidson, Hamilton and Knox counties and the tri-city area of Bristol, Kingsport and Johnson City, in consultation with each of the advisory councils to the area agencies on aging in those areas. Each of such persons may be appointed from two (2) persons nominated by each of such advisory councils. Nothing shall preclude members of such advisory councils from being appointed as members of the advisory council to the commissioner of the department

of aging;

(C) One (1) member of the governor's personal staff shall be appointed;

(D) One (1) person who is an active member of a chartered, statewide organization that advocates exclusively for older persons shall be appointed. Each organization may submit two (2) nominations for this appointment;

(E) One (1) person who is an active member of a federally chartered organization that advocates exclusively for older persons having membership statewide with chapters chartered in this state shall be appointed. Each such organization may submit two (2) nominations for this appointment;

(F) One (1) person who is an active member of a chartered, statewide organization that advocates exclusively for disabled persons shall be appointed. Each such organization may submit two (2) nominations for this appointment;

(G) The commissioners of the departments of human services, health, veterans affairs, and mental health and developmental disabilities, and the executive director of the council on developmental disabilities; and

(H) The speaker of the senate and the speaker of the house of representatives shall each name one (1) member of the general assembly from such speaker's respective house to serve on the council as ex officio members, without vote, to attend and sit with the council in open meetings, in order to report back to the general assembly on actions being taken or considered by the council.

(2) The governor may ask the nominating body in any case for additional nominees.

(e) As vacancies occur on the council, persons shall be appointed to fill the vacancy for the unexpired term, in accordance with the original nomination process.

(f)

(1) The terms of office for members of the council shall be six (6) years, except for members of the governor's personal staff and cabinet whose terms shall be coterminous with that of the appointing governor, and except for the legislators appointed pursuant to subdivision (c)(1)(H) whose terms shall be coterminous with the terms for which they have been elected to the general assembly. Vacancies shall be filled by appointment pursuant to the criteria in this section only for the remainder of the unexpired term.

(2) The terms of office for members of the council shall be six (6) years, except for members of the governor's personal staff and cabinet whose terms shall be coterminous with that of the appointing governor, and except for the legislators appointed pursuant to subdivision (d)(1)(G) whose terms shall be coterminous with the terms for which they have been elected to the general assembly. Vacancies shall be filled by appointment pursuant to the criteria in this section only for the remainder of the unexpired term.

(3) A two-year absence from council membership qualifies any member for reappointment following the criteria of this section.

(g) Members of the advisory council to the commissioner of aging shall receive no compensation for their services other than a reimbursement for traveling and other expenses incurred in the attendance of meetings required by this part or other meetings authorized by the commission. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

AND FURTHER AMEND by adding the following new section immediately preceding the effective date section of the bill by renumbering the subsequent section accordingly:

SECTION 18. On or before December 1, 2007, the advisory council to the commissioner of aging shall make a recommendation to the commissioner of aging as to other state programs that might be appropriately administered by the department of aging.

AND FURTHER AMEND by deleting from the effective date section of the bill the language "Section 6" and by substituting instead the language "Section 7".